

knew nothing of any fraud or unfairness. Senator Douglass said he, too, did not want a long term; had informed his constituents after they nominated him he could not serve more than two years. It was replied it was not a question of whether we wanted long terms or not; if there had been fraud it was a crime against the State and an outrage upon the Senate, which it was our duty to expose and redress. To this view we all assented, and my subsequent action was prompted by this purpose alone, and as I pursued it in a conservative and temperate manner I have nothing to regret in what I really did, but only desire to be properly understood as to what part I really took in the matter.

I was in no sense a leader in the movement. I at no time took an active part in it, and do not remember that I ever attended a conference without having been sent for. This was partly because I was not feeling well during most of the time, but mainly because, knowing of no evidence of fraud, I was unwilling to go out and hunt it up, but if it was brought forward by others was willing to act with them in presenting it to the Senate.

#### TWENTY-THIRD DAY.

Senate Chamber,  
Austin, Tex., Wednesday, Feb. 18, 1903.

Senate met pursuant to adjournment.

President Pro Tem. Davidson of DeWitt in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Decker.	McKamy.
Douglass.	Mills.
Faubion.	Morris.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Stafford.
Harbison.	Willacy.
Harper.	Wilson.

Absent.

Davidson of Patteson.  
Galveston.

#### ROLL CALL OF OFFICERS AND EMPLOYEES.

Present.

Clyde D. Smith.  
W. E. DeLamar.

R. M. Gilmore.  
Amos Wynne.  
W. M. Cobb.  
Eldred McKinnon.  
Mrs. Laura V. Grinnan.  
F. P. Smith.  
C. H. Allen.  
D. F. Hughes.  
Frank Mullins.  
C. J. Kirk.  
Rev. I. S. Davenport.  
Miss May Fant Odom.  
J. C. Son.  
Miss Georgia Sturgiss.  
Mrs. Hattie Yarbrough.  
Mrs. Hope H. Hawkins.  
Miss Emily Holcomb.  
Mrs. J. R. Van Orden.  
Miss Bessie Goldstein.  
W. T. Pace.  
W. A. Shaw, Jr.  
Lucien Goss.  
J. A. Chaffe.  
Charlie Lane.  
Willie Gibson.  
Henry Paulus.  
Everet Thornhill.  
Walter Savage.  
Jas. Sebastian.  
Willie Gray.  
Jamie Snipes.  
Ed Underhill.  
John Durst.  
Will Bartley.  
Reed Pierson.  
Dan Edwards.  
Josh Pyles.  
Ellis Monroe.  
Albert Hill.  
Mark Marsh.

Absent.

Miss Lucy Lane.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Decker, the same was dispensed with.

#### EXCUSED.

On motion of Senator Willacy, Senator Beaty was excused for non-attendance upon the Senate on yesterday.

#### FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, February 18, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 8, A bill to be entitled "An Act to amend Section 1, Chapter 128, of an act passed by the Twenty-sixth Legislature of the State of Texas, and sent to the Governor for his approval on the 20th day of May, A. D. 1899, entitled 'An Act providing a mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in the following counties, viz.: Cooke, Bell, Ellis, Montague, Fayette, Johnson, Collin, Rockwall, Lamar, Milam, Denton, Falls, Navarro, Fannin, Hunt, Tarrant, Grayson, Guadalupe, Dallas, Austin, Brazos, Lavaca, Colorado, Washington, Williamson, Smith, Delta,' so as to place McLennan and Limestone counties under the provisions of said chapter, and to declare an emergency," with the following amendments:

"Amend the bill by striking out in line 30, page 1, and line 10, page 2, the word 'Coryell.'

"Amend the bill by adding to Section 1 the following counties: Bee, Camp, Caldwell, Colorado, Calhoun, Cass, Comanche, Erath, Hill, Harrison, Hopkins, Jackson, Bosque, Kaufman, Montgomery, Morris, Upshur, Parker, Refugio, Rusk, Red River, Titus, Trinity, Victoria, Van Zandt, Wise, Walker, Wood.'

"Amend the bill by adding after the word 'Rains,' in line 31, page 1, and after the word 'Rains,' in line 10, page 2, the following words: 'Wilson, Comal, Wise.'

"Amend the bill on page 2, Section 2, line 22, by striking out the words 'McLennan county' and inserting therefor the words 'said counties.'

"Amend by adding 'Hood and Somervell' counties.

"Amend by adding 'Eastland' after 'Rains' in line 31, page 1, and 'Eastland' after the word 'Limestone' in line 11, page 2.

"Amend by adding 'Cherokee' county.

"Amend the bill by adding Section 2:

"Section 2. Upon the written petition of 200 freeholders of any of the above named counties, or upon the written petition of fifty freeholders of any subdivision of any of the above named counties, if the law be in force in that precinct only, the commissioners court shall be authorized and required to order an election on the date therein named to determine whether or not said law be repealed; provided, that such petition be not filed within less than two years from the date this law goes into effect; and provided further, that such petition be signed by at least twenty-four freeholders from each justice precinct in such county. But if this law becomes operative over any of the above named counties as prescribed, it can in no case be repealed by any subdivision except by a

two-thirds majority of the votes cast by the freeholders of such county at an election held in accordance with the provisions of this act.'

"Amend the bill by striking out the word 'subdivision' in lines 12, 14, 16, 17 and 18, and inserting in lieu thereof the words 'one or more justice precincts.'

"Amend lines 2, 3 and 4, page 2, so that they shall read as follows: 'Section 1. That Section 1, of Chapter 128, of the General Laws of Texas, passed at the Regular Session of the Twenty-sixth Legislature be amended so as to hereafter read as follows.'

"Amend the caption by inserting the word 'and' between 'Austin' and 'Brazos,' in line 28; and further by striking out all after the word 'Brazos' and inserting the quotation marks and the words 'by placing the following named counties (insert names of counties to correspond with bill as amended) under the provisions of said chapter, and to declare an emergency.'

"Amend by striking out 'Camp, Cherokee and Upshur' counties.

"Amend by striking out 'Titus, Morris and Caldwell.'"

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### INVITATION.

Senator Hicks offered the following invitation:

UNIVERSITY OF TEXAS.

Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President.

DEAR SIR: The student body of the University of Texas extends a cordial invitation to the honorable President and members of the Senate to participate in the patriotic celebration of the anniversary of Texas Independence, at the Auditorium of the University, on Monday, March 2, 1903, at 10 a. m.

The Lone Star Flag will be hoisted over the University building and saluted with twenty-one guns by the students, after which songs, composed for the occasion, will be sung, and addresses made by representatives of the students, faculty, Legislature and distinguished visitors. The program in detail will appear later in the city papers.

Respectfully,

W. T. BARTHOLOMEW,

President Students' Association.

On motion of Senator Hicks, the invitation was accepted.

## COMMITTEE REPORTS.

The following committee reports were offered to the Senate:

## JUDICIARY NO. 1.

## MAJORITY REPORT.

Committee Room,  
Austin, Texas, February 18, 1903.  
*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 55, A bill to be entitled "An Act declaring and making all mortgages, deeds of trust, contracts and other obligations in writing, whereby land or real property situated in the State of Texas is made security for the payment of debts, together with such debts, to be land or real property for the purpose of assessment and taxation; to provide for the assessment thereof for taxation, and to provide for the sale thereof for such taxes,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do not* pass.

HANGER, Chairman.

## MINORITY REPORT.

Committee Room,  
Austin, Texas, February 18, 1903.  
*Hon. Geo. D. Neal, President of the Senate.*

SIR: A minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 55, A bill to be entitled "An Act declaring and making all mortgages, deeds of trust, contracts and other obligations in writing, whereby land or real property situated in the State of Texas is made security for the payment of debts, together with such debts, to be land or real property for the purpose of assessment and taxation; to provide for the assessment thereof for taxation, and to provide for the sale thereof for such taxes,"

Do not concur with the majority, and beg leave to recommend that it *do* pass.

GRINNAN.

Committee Room,  
Austin, Texas, February 18, 1903.  
*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 178, A bill to be entitled "An Act to amend Article 677, Chapter

4, Title XXI, of the Revised Civil Statutes of the State of Texas, relating to the competency of the records of private corporations, or copies thereof as evidence,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it *do* pass, with the following amendment:

"Section 2. That all lands heretofore sold and conveyed by a private corporation and the deed to the same was signed by the secretary of such corporation be and the same are hereby validated and made as good as if signed by the president of said corporation, and all such deeds and copies thereof shall be admitted in evidence in the trial of any cause in this State under the same circumstances that the same could be admitted if signed by the president of said corporation."

HANGER, Chairman.

Committee Room,  
Austin, Texas, February 18, 1903.  
*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 145, A bill to be entitled "An Act relating to final forfeitures and penalties due the State of Texas; to provide for securing the payment thereof; to provide for the enforcement thereof, and to provide for the survival of actions and causes of action thereof,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

HANGER, Chairman.

Committee Room,  
Austin, Texas, February 18, 1903.  
*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 198, A bill to be entitled "An Act to amend Article 1012, Title XXVII, Chapter 14, Revised Statutes of 1895, as amended by acts approved April 17, 1899, of the Twenty-sixth Legislature, Regular Session, relating to the employment of stenographers by the Courts of Civil Appeals,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

HANGER, Chairman.

Committee Room,  
Austin, Texas, February 17, 1903.  
*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 22, A bill to be entitled "An Act to organize a Board of Pardon Advisers and more fully define its powers and duties,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

HANGER, Chairman.

Committee Room,  
Austin, Texas, February 18, 1903.  
*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 151, A bill to be entitled "An Act to prohibit any corporation not created under the laws of the State of Texas from constructing, building, operating and maintaining a railway within the State of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

HANGER, Chairman.

Committee Room,  
Austin, Texas, February 18, 1903.  
*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 204, A bill to be entitled "An Act to amend Subdivision 21, of Article 642, of the Revised Civil Statutes of the State of Texas, adopted in 1895, so as to provide that corporations organized for the purpose of constructing or acquiring with power to maintain and operate street railways and suburban or belt lines of railway within and near cities and towns which use electric power shall be authorized to supply and sell electric light and power to the public and to municipalities,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

HANGER, Chairman.

#### JUDICIARY NO. 2.

Committee Room,  
Austin, Texas, February 17, 1903.  
*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 199, A bill to be entitled "An Act to amend Article 800 of the Code of Criminal Procedure, relating to the taking of depositions in criminal cases out of the State,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*, and that the same be not printed.

PAULUS, Chairman.

#### PUBLIC HEALTH.

Committee Room,  
Austin, Texas, February 17, 1903.  
*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Public Health, to whom was referred

Senate bill No. 168, A bill to be entitled "An Act to carry into effect Section 32, of Article 16, of the Constitution of the State of Texas, in relation to vital statistics; to enlarge the scope and powers of the existing health system of the State for the better protection of the public health; to change the name of the Quarantine Department to the Department of Public Health and Vital Statistics, and to create and establish a State Bureau of Vital Statistics within said department; to authorize the State Health Officer to prepare, promulgate and enforce, under suitable penalties for violation of its provisions, a sanitary code for the State of Texas, and regulations for the record and preservation of its vital statistics, and to repeal all laws and parts of laws in conflict with this act,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

DOUGLASS, Chairman.

#### EDUCATIONAL AFFAIRS.

Committee Room,  
Austin, Texas, February 17, 1903.  
*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 14, A bill to be entitled "An Act providing for the extension of the corporate limits of any town or village incorporated for free school purposes only,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

## FINANCE.

Committee Room,

Austin, Texas, February 17, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 128, A bill to be entitled "An Act to provide for a survey of the Brazos river and its principal tributaries, preparing maps, profiles, plans, plots, estimates, etc., from its mouth to Waco, Texas, and making an appropriation therefor,"

Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it *do pass*.

WILSON, Chairman.

## INTERNAL IMPROVEMENTS.

Committee Room,

Austin, Texas, February 17, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 171, A bill to be entitled "An Act to prohibit any corporation or receiver operating a line of electric railway in the State of Texas from operating electric cars upon such lines during the months of November, December, January, February and March of each year unless the forward end of such car is equipped with a screen or vestibule to protect the motorman or other person directing the motive power by which such car is operated from wind and storm, and prescribing a penalty for the violation of this act,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

WILLACY, Acting Chairman.

Committee Room,

Austin, Texas, February 17, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 161, A bill to be entitled "An Act to authorize the Chicago, Rock Island &amp; Gulf Railway Company to purchase, own and operate, as a part of its line, the railroad of the Chicago, Rock Island &amp; Texas Railway Company, together with all its franchises, property, rights and privileges; the railroad of the Chicago, Rock Island &amp; Mexico Railway Company, together with all its franchises, property, rights and privileges;

and the railroad of the Choctaw, Oklahoma & Texas Railroad Company, together with all its franchises, property, rights and privileges; or either or any of such railroads, with all of its or their franchises, property, rights and privileges of every kind and character; and to authorize the owners of each of said railroads and the franchises, property, rights and privileges of every kind and character, to sell and convey the same; and to authorize said The Chicago, Rock Island & Gulf Railway Company to issue and negotiate its bonds, secured or to be secured by a mortgage or mortgages, to the amount of the value of the railways, franchises, property, rights and privileges so purchased, and to the amount of the value of any railroad hereafter constructed by it under the provisions of this act, as fixed or as same may be fixed by the Railroad Commission of Texas, and to regulate the reports of said property, and the operation thereof; and to authorize said The Chicago, Rock Island & Gulf Railway Company to construct, own and operate, as a part or parts of its line, the unfinished portion or portions of said railroads, or either of them, between the termini, as defined in their respective charters; and to construct, own and operate, as a part or parts of its line, all extensions and branches of said railroads, or either of them, under or as authorized in and by the charter of said The Chicago, Rock Island & Gulf Railway Company, or any amendment thereof made or to be made in pursuance of the General Laws of the State of Texas; and to prescribe the conditions upon which said purchase and sales shall take effect and be dependent; and to authorize said companies, and each of them, to execute all necessary contracts, agreements and conveyances to accomplish said purchase and sale,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

WILLACY, Acting Chairman.

## COMMERCE AND MANUFACTURES.

Committee Room,

Austin, Texas, February 18, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Commerce and Manufactures, to whom was referred

Senate bill No. 138, A bill to be entitled "An Act to regulate the employment of children in factories, mills, mines, breweries, manufacturing establishments and other establishments using machinery, and to provide for violation of same,"

Have had the same under considera-

tion, and I am instructed to report it back to the Senate with the recommendation that it *do* pass with the following amendment:

"Amend Section 2, line 3, by inserting after the word 'fourteen' the words 'who can not read and write simple sentences in the English language.'"

MILLS, Chairman.

#### JUDICIAL DISTRICTS.

Committee Room,

Austin, Texas, February 18, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Judicial Districts, to whom was referred

Senate Concurrent Resolution No. 8, Granting Judge Jas. L. Shephard leave of absence from the State from January 10 to March 10, 1903; also for the summer months of June, July and August, 1903,

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, and the same be not printed.

GRINNAN, Chairman.

#### ENGROSSED BILLS.

Committee Room,

Austin, Texas, February 18, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 67, A bill to be entitled "An Act to amend Article 4340, of Title XCII, of the Revised Civil Statutes of Texas, relating to declaring quarantine in counties and cities and maintaining the expense of same,"

And find the same correctly engrossed.

GRINNAN, Acting Chairman.

Committee Room,

Austin, Texas, February 18, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 199, A bill to be entitled 'An Act to amend Article 800 of the Code of Criminal Procedure, relating to the taking of depositions in criminal cases out of the State,'

And find the same correctly engrossed.

GRINNAN, Acting Chairman.

#### ENROLLED BILLS.

Committee Room,

Austin, Texas, February 18, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 85, "An Act to authorize the Missouri, Kansas & Texas Railway Company of Texas, organized and existing under the laws of the State of Texas, to purchase or lease the railroad and properties of the Denison & Washita Valley Railway Company, organized and existing under the laws of the State of Texas, in Grayson county, Texas, together with the franchises and appurtenances pertaining thereto, and to lease or own and operate and maintain the same as a part of its line; and vesting said companies, and each of them, with the power to make and execute all necessary contracts and agreements and conveyances to effect such sale or lease; and also to authorize the Denison & Washita Valley Railway Company to sell or lease all or any part of its railroad and property in the Indian Territory to the Missouri, Kansas & Texas Railway Company, a corporation organized and existing under the laws of the State of Kansas, or the Texas & Oklahoma Railroad Company, a corporation organized and existing under the laws of the Territory of Oklahoma, or either of them,"

And find the same correctly enrolled, and have this day, at 11:10 o'clock a. m., presented the same to the Governor for his approval.

HALE, Chairman.

Committee Room,

Austin, Texas, February 18, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 87, "An Act to authorize the Missouri, Kansas & Texas Railway Company of Texas to purchase the railroad, as completed or partially completed and in course of construction, of the Granger, George town, Austin & San Antonio Railway Company between Granger, in William son county, and Austin, in Travis county, together with the properties, franchises and appurtenances pertaining thereto, and to own, complete and construct the unfinished parts thereof between Granger and Austin, and operate and maintain the same as a part of its

line, with the right to extend the same and construct branches therefrom, by amendment of its charter under the general laws of the State of Texas, and vesting said companies, and each of them, with the power to make and execute all necessary contracts and agreements and conveyances to effect such purchase and sale."

And find the same correctly enrolled, and have this day, at 11:10 o'clock a. m., presented the same to the Governor for his approval.

HALE, Chairman.

#### BILLS AND RESOLUTIONS.

By Senator Douglass:

Senate bill No. 205, A bill to be entitled "An Act to amend Article 4574, Title XCIV, Chapter 13, Revised Statutes of Texas, by adding thereto Subdivision 6."

Read first time, and referred to Committee on State Affairs.

Morning call concluded.

#### SPECIAL ORDER FOR TOMORROW.

Senator Henderson moved that special order for this hour, Senate bill No. 180, be postponed and made a special order for tomorrow morning at the conclusion of the morning call.

The motion prevailed.

#### BILLS SIGNED BY THE CHAIR.

The Chair (President Pro Tem. Davidson of DeWitt) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

Senate bill No. 85, "An Act to authorize the Missouri, Kansas & Texas Railway Company of Texas, organized and existing under the laws of the State of Texas, to purchase or lease the railroad and properties of the Denison & Washita Valley Railroad Company, organized and existing under the laws of the State of Texas, in Grayson county, Texas, together with the franchises and appurtenances pertaining thereto, and to lease or own and operate and maintain the same as a part of its line, and vesting said companies, and each of them, with the power to make and execute all necessary contracts and agreements and conveyances to effect such sale or lease, and also to authorize the Denison & Washita Valley Railway Company to sell or lease all or any part of its railroad and property in the Indian Territory to the Missouri, Kansas & Texas Railway Company, a corporation organized and existing under the laws of the State of Kansas, or the Texas & Oklahoma Railroad Company, a corporation organized and existing under

the laws of the Territory of Oklahoma, or either of them."

Senate bill No. 87, "An Act to authorize the Missouri, Kansas & Texas Railway Company of Texas to purchase the railroad, as completed or partially completed and in course of construction, of the Granger, Georgetown, Austin & San Antonio Railway Company between Granger, in Williamson county, and Austin, in Travis county, together with the properties, franchises and appurtenances pertaining thereto, and to own, complete and construct the unfinished parts thereof between Granger and Austin, and operate and maintain the same as a part of its line, with the right to extend the same and construct branches therefrom, by amendment of its charter under the General Laws of the State of Texas, and vesting said companies, and each of them, with the power to make and execute all necessary contracts and agreements and conveyances to effect such purchase and sale."

#### PENDING BUSINESS SUSPENDED.

On motion of Senator Perkins, pending business (House bill No. 16) was suspended, and the Senate took up, out of its order, Senate bill No. 79.

The Chair laid before the Senate, on its second reading,

Senate bill No. 79, A bill to be entitled "An Act to amend Article 3698, of Chapter 6, Title LXXIX, by fixing the minimum salaries of under-officers and employes of the State penitentiaries of Texas."

With the following committee amendment:

"Amend by adding to Article 3698 the following: 'Provided, no temporary suspension or discharge for other than misconduct shall be construed as depriving any guard of the benefit of the term of continuous service.'"

#### PRIVILEGED MOTION.

Senator Mills called up

Senate bill No. 8, A bill to be entitled "An Act to amend Section 1, Chapter 128, of an act passed by the Twenty-sixth Legislature of the State of Texas, and sent to the Governor for his approval on the 20th day of May, A. D. 1899, entitled 'An Act providing a mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in the following counties, or in any subdivision of said counties, viz.: Cooke, Bell, Ellis, Montague, Fayette, Johnson, Collin, Rockwall, Lamar, Milam, Denton, Falls, Navarro, Fannin,

Hunt, Tarrant, Grayson, Guadalupe, Dallas, Austin, Brazos, Lavaca, Colorado, Washington, Williamson, Smith, Delta,' so as to place McLennan and Limestone counties under the provisions of said chapter, and to declare an emergency."

For the purpose of considering the House amendments (see first House message).

Senator Mills moved that the Senate non-concur in the House amendments, and asked that the amendments be referred to a Free Conference Committee. The motion prevailed.

#### SENATE BILL NO. 79.

Action recurring on Senate bill No. 79.

Senator Perkins moved that the committee amendment be adopted.

The motion prevailed.

Senator Perkins offered the following amendment:

"Amend the amendment as reported in the printed bill by striking out all after the word 'benefit' in line 14, and insert in lieu thereof the words 'of the benefit of the term continuous service.'"

The amendment was adopted.

Senator Paulus offered the following amendment:

"Amend by adding after Article 3698, Section 2, which shall read as follows:

"Section 2. The fact that there is now no adequate law on this subject, and the further fact that the calendar is now crowded, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and this act to take effect and be in force from and after its passage, and it is so enacted.'"

The amendment was adopted.

Bill was read second time and ordered engrossed.

On motion of Senator Perkins, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Beaty.	Hanger.
Brachfield.	Harbison.
Cain.	Harper.
Davidson of	Henderson.
DeWitt.	Hicks.
	Hill.
Decker.	Lipscomb.
Douglass.	Martin.
Faubion.	McKamy.
Faulk.	Mills.
Faust.	Morris.
Grinnan.	Paulus.
Hale.	

Perkins.	Stafford.
Savage.	Wilson.
Sebastian.	

Absent.

Davidson of	Patteson.
Galveston.	Willacy.

Bill was read third time, and passed by the following vote:

Yeas—29.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Decker.	McKamy.
Douglass.	Mills.
Faubion.	Morris.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Stafford.
Harbison.	Wilson.
Harper.	Willacy.

Absent.

Davidson of	Patteson.
Galveston.	

#### SENATE BILL NO. 199.

On motion of Senator Sebastian, the regular order of business (House bill No. 16) was suspended, and the Senate took up, out of its order, Senate bill No. 199.

The Chair laid before the Senate, on its second reading,

Senate bill No. 199, A bill to be entitled "An Act to amend Article 800 of the Code of Criminal Procedure, relating to the taking of depositions in criminal cases out of the State."

Senator Sebastian moved that the Senate rule requiring committee reports to lie over for one day be suspended.

The motion prevailed.

Senator Sebastian offered the following amendment:

"Amend by adding Section 2 as follows:

"Section 2. Whereas, there is now no law in this State authorizing the taking of depositions in criminal cases except before a judge or chancellor of a supreme court of law, or equity, or before a commissioner of deeds and depositions for this State; and whereas, the aforesaid officers are in a great many instances located at so great distance from the place of residence of the witness whose testimony is desired to be taken as to render it practically impossible to secure same; and whereas, there are a great many cases now pending in the



courts of this State in which the testimony of witnesses residing out of the State is necessary in order that the defendants may have and secure a fair and impartial trial, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.'"

The amendment was adopted.

Bill was read second time, and ordered engrossed.

On motion of Senator Sebastian, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Decker.	Martin.
Douglass.	McKamy.
Faubion.	Mills.
Faulk.	Morris.
Faust.	Paulus.
Grinnan.	Perkins.
Hale.	Savage.
Hanger.	Sebastian.
Harbison.	Stafford.
Harper.	Willacy.

Absent.

Beaty.	Patteson.
Davidson of	Wilson.
Galveston.	

The bill was read third time, and passed by the following vote:

Yeas—28.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
DeWitt.	McKamy.
Decker.	Mills.
Douglass.	Morris.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harbison.	Willacy.
Harper.	Wilson.
Henderson.	

Absent.

Davidson of	Hale.
Galveston.	Patteson.

Senator Sebastian moved to reconsider

the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 110.

On motion of Senator Decker, the regular order of business (House bill No. 16) was suspended, and the Senate took up, out of its order, Senate bill No. 110.

The Chair laid before the Senate, on its second reading,

Senate bill No. 110, A bill to be entitled "An Act to prevent the killing of antelope, and fix a penalty therefor, and to provide a rule of evidence."

Bill was read second time, and ordered engrossed.

On motion of Senator Decker, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Decker.	McKamy.
Douglass.	Mills.
Faubion.	Morris.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hanger.	Sebastian.
Harbison.	Wilson.
Harper.	Willacy.

Absent.

Davidson of	Patteson.
Galveston.	Stafford.
Hale.	

The bill was read third time, and passed by the following vote:

Yeas—27.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Decker.	McKamy.
Douglass.	Mills.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harbison.	Willacy.
Harper.	Wilson.

Absent.

Davidson of	Morris.
Galveston.	Patteson.
Hale.	

Senator Decker moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 23.

On motion of Senator Douglass the regular order of business (House bill No. 16) was suspended, and the Senate took up out of its order Senate bill No. 23.

The Chair laid before the Senate, on its second reading,

Senate bill No. 23, A bill to be entitled "An Act to better provide for the collection of judgment debts against cities and towns incorporated under the General Laws of this State, with the following committee amendment:

'Amend by striking out the words 'fifteen per cent.,' in Section 1, and inserting in lieu thereof the words 'ten per cent.'"

Adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Douglass the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Beaty.	Harper.
Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Decker.	Martin.
Douglass.	McKamy.
Faubion.	Mills.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Stafford.
Hanger.	Wilson.
Harbison.	

Absent.

Davidson of	Patteson.
Galveston.	Sebastian.
Morris.	Willacy.

Senator Harbison offered the following amendment:

"Amend by adding at the end of Section 1 'that the appropriation of ten per cent. herein provided shall not apply to causes based on action for personal injuries.'"

Senator Hanger moved to table the amendment.

The motion to table prevailed.

The bill was read third time, and passed by the following vote:

20-S

Yeas—26.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Decker.	McKamy.
Douglass.	Mills.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hale.	Stafford.
Hanger.	Wilson.
Harper.	

Nays—1.

Harbison.

Absent.

Davidson of	Patteson.
Galveston.	Willacy.
Morris.	

Senator Douglass moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### COMMITTEE APPOINTED.

The Chair appointed the following Senators on the Free Conference Committee on Senate bill No. 8:

Senators Mills, Willacy, Harper, McKamy and Hale.

#### SENATE BILL NO. 21 CALLED UP FROM TABLE.

Senator Savage called up from table Senate bill No. 21.

The Chair laid before the Senate, on its second reading,

Senate bill No. 21, A bill to be entitled "An Act to exterminate prairie dogs in Texas by allowing citizens in counties to vote a tax upon themselves for the purpose of this act, providing means of extermination, and declaring an emergency."

Senator Savage offered the following amendment:

"Amend caption of the act by inserting between the word 'counties' and the word 'to,' in line 7, the words 'or subdivisions thereof.'"

The amendment was read and adopted.

Senator Savage offered the following amendment:

"Amend the caption of the act by striking out in line 7 the following words: 'A tax upon themselves for the purpose of this act,' and inserting in lieu thereof the following: 'Upon the question of such extermination.'"

The amendment was read and adopted.

Senator Savage offered the following amendment:

"Amend by striking out on page 1, lines 15 and 16 the following words: 'A tax shall be levied in said county or subdivision for the purpose of,' and inserting in lieu thereof 'the commissioners court of said county shall provide for.'"

The amendment was read and adopted.

Senator Savage offered the following amendment:

"Amend by striking out in line 9, on page 3, the following: 'In favor of allowing dogs to run at large or.'"

The amendment was read and adopted.

Senator Savage offered the following amendment:

"Amend by striking out, in lines 25, 26, 27, 28 and 29, on pages 3, the following words: 'Levy a tax not to exceed thirty-five dollars on each section of land in said county or subdivision of the county for the purpose of exterminating prairie dogs in the territory named in the petition for said election; said tax shall be levied and collected as other taxes in the county,' and insert in lieu thereof the following: 'Make an order as hereinafter provided for the extermination of prairie dogs in said county or subdivision thereof and pay for the same out of the current revenues of the county.'"

The amendment was read and adopted.

Senator Savage offered the following amendment:

"Amend by striking out in lines 9, 10, 11, 12, 13 and 14, on page 4, the following: 'Provided further, that any freeholder who shall make sufficient proof that he has, at his own expense, exterminated said dogs on his premises or who shall give a good and sufficient bond to the effect that he will faithfully do so within the time specified in contracts approved by the commissioners court, he shall be exempt from the tax imposed in this act.'"

The amendment was read and adopted.

Senator Savage moved that the bill as amended be published in full in the Journal, and that the bill be made a special order for Friday morning immediately after morning call.

The motion prevailed.

Following is the bill as amended.

By Senator Savage] [Senate bill No. 21.

#### A BILL

#### TO BE ENTITLED

An Act to exterminate prairie dogs in Texas by allowing citizens in counties or subdivisions thereof to vote upon the question of such extermination, providing means of extermination, and declaring an emergency.

Be it enacted by the Legislature of Texas:

SECTION 1. Upon the written petition of fifty freeholders of any county in Texas infested with prairie dogs, or upon the petition of twenty-five freeholders of any subdivision of the county, the commissioners court of said county shall order an election to be held in said county or subdivision, on some day named in the order, for the purpose of enabling the freeholders of such county or subdivision to determine whether the commissioners court of said county shall provide for exterminating prairie dogs in said county or subdivision; *provided*, that where there is an application for an election to include the entire county, there shall not be less than ten freeholders from each justice precinct of said county as signers to the petition for such election; *provided further*, that if there be less than fifty freeholders in a county or ten freeholders in a justice precinct of said county, a majority in the county or precinct shall be sufficient as signers to said petition.

SEC. 2. Whenever there is a territory between two subdivisions of a county which have adopted the prairie dog law, and in such intervening territory there are less than twenty-five freeholders, an election shall be ordered on the petition of a majority of freeholders residing in such intervening territory, and the election shall be held as provided by law in other cases relating to the adoption of the prairie dog law.

SEC. 3. Such petition shall set forth the object of said election, the manner of extermination as hereinafter provided, the county in which said election shall be held, and if petition shall be from the freeholders of a subdivision of any county such subdivision shall be particularly described and the boundaries thereof designated.

SEC. 4. Upon the filing of such petition the commissioners court, at the next regular term thereafter, shall pass an order directing an election to be held throughout the county or particular subdivision thereof, as the case may be, on a day to be designated in the order, not less than thirty days from the date of such order, which election shall be held and conducted and the returns thereof made in accordance with the laws regulating general elections, in so far as the same is applicable.

SEC. 5. Immediately after the passage of an order for an election, by the commissioners court, the county judge shall issue an order for such election and cause public notices thereof to be given for at least thirty days before the day of election, by publication of the order therefor in some newspaper published in the county, if there be one, if no newspa-

per be published in the county, then by posting copies of such order at the court house door, and at some public place in each justice precinct, if the election be ordered for the whole county, or at three public places in the subdivision if the election be ordered for a subdivision.

SEC. 6. The order of the county judge shall specify:

(1) The petition and the action of the commissioners court.

(2) It shall designate the animals to be destroyed.

(3) The territorial limits to be affected.

(4) The day of election.

(5) The place at which the polls are to be opened.

SEC. 7. If the election is ordered for the whole county, the same shall be held at the usual voting places in the several election precincts, but if the election is ordered for any particular subdivision, the county judge shall designate the particular places in such subdivision at which the polls shall be opened.

SEC. 8. If the election be for a subdivision of a county, the county judge shall, at the time he issues the order for such election, appoint proper persons as managers of said election, all of whom shall be freeholders of the county and qualified voters, and such managers may appoint their own clerks.

SEC. 9. No person shall vote at any election under the provisions of this chapter unless he be a freeholder and is a qualified voter under the constitution and laws.

SEC. 10. All votes at any election in pursuance of this chapter shall be by ballot, and voters desiring to exterminate prairie dogs, designated in the order, shall place upon their ballots the words, "For Prairie Dog Law," and those who are against the law, shall place upon their ballots the words, "Against the Prairie Dog Law."

SEC. 11. On or before the tenth day after any election under the provisions of this act the persons holding such election shall make due return on all the votes cast at their respective voting places for and against said proposition, to the county judge of the county, who shall tabulate and count said returns and ascertain the results of said election.

SEC. 12. The returns shall be opened, tabulated and counted by the county judge, in the presence of the county clerk, and at least one justice of the peace of the county, or of two respectable freeholders of the county.

SEC. 13. If a majority of votes cast at such election shall be "For the Prairie Dog Law," the county judge shall immediately issue his proclamation de-

claring the result, which proclamation shall be posted at the court house door, and at any time after the expiration of thirty days the commissioners court may make an order as hereinafter provided for the extermination of prairie dogs in said county or subdivision thereof and to pay for the same out of the current revenues of the county.

SEC. 14. The commissioners court shall divide the county into districts known as prairie dog districts, or it may designate each justice precinct a district, and it shall be the duty of the said court to advertise for bids to exterminate the prairie dogs in certain districts designated by number, said contract to be awarded to the lowest responsible bidder who shall give a good and sufficient bond in the sum of one hundred dollars per section conditioned on the faithful performance of his duty in filling said contract; *provided further*, that all bids shall be opened, considered and contracts awarded by said commissioners court at its regular term; *provided further*, that if any contractor shall fail or refuse to carry out the conditions of said contract said bond shall be forfeited and collected as other bonds of similar character.

SEC. 15. When any contractor shall have finished his work he shall make a complete report to the commissioners court with sufficient proof that he has exterminated said dogs on the territory covered by his contract, upon the filing and approval of said report receive the amount of money specified in the contract, said amount to be paid out on a voucher approved by the county judge of the county.

SEC. 16. Whenever an election shall be held under the provisions of this chapter for any county or subdivision and the proposition of a prairie dog law as herein provided is defeated, no other election for such purpose shall be held within that locality for the space of twelve months thereafter; but the defeat of the proposition for a county shall not prevent another election from being held immediately thereafter for any subdivision of such county, nor shall the defeat of the proposition for any subdivision prevent an election from being held immediately thereafter for the entire county.

SEC. 17. The fact that there is no law in Texas for the extermination of the prairie dog, and the further fact that large sections of grass and much produce is being annually destroyed in Western Texas by said dogs, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be

in force from and after its passage, and it is so enacted.

#### SENATE BILL NO. 79.

Senator Perkins moved that the Senate reconsider the vote by which Senate bill No. 79 was passed.

The motion prevailed.

On motion of Senator Perkins pending business (House bill No. 16) was suspended, and the Senate took up out of its order Senate bill No. 79.

The Chair laid before the Senate, on third reading, Senate bill No. 79 (see caption above.)

Senator Perkins offered the following amendment:

"Amend Section 1, line 14, by striking out the words 'under officers and employees,' and insert in lieu thereof the words, 'penitentiary guards,' and the caption be amended in like manner.

The amendment was adopted by the following vote:

Yeas—28.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Decker.	McKamy.
Douglass.	Mills.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hale.	Stafford.
Hanger.	Willacy.
Harbison.	Wilson.
Harper.	

Absent.

Davidson of	Morris.
Galveston.	Patteson.

Bill was read third time, and passed by the following vote:

Yeas—28.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Decker.	McKamy.
Douglass.	Mills.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hale.	Stafford.
Hanger.	Wilson.
Harbison.	Willacy.
Harper.	

Absent.

Davidson of	Morris.
Galveston.	Patteson.

Senator Perkins moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE CONCURRENT RESOLUTION NO. 9.

On motion of Senator Willacy pending business (House bill No. 16) was suspended, and the House took up House Concurrent Resolution No. 9.

The Chair laid before the Senate,

House Concurrent Resolution No. 9, Providing for appointment of a joint committee to visit the Beeville Experiment Station, located at Beeville, Texas, and make report thereon.

Whereas, A committee was appointed by the Twenty-seventh Legislature to visit and report on the Beeville Experiment Station; and

Whereas, Said report was insufficient to said experiment station; and

Whereas, The farmers and citizens of south and southwest Texas are very much interested in the retention and development of said experiment station; and

Whereas, It is an admitted fact that said experiment station has been of material benefit to the farmers and truck growers of south and southwest Texas; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That a joint committee of three be created, two to be appointed by the Speaker of the House and one by the President of the Senate, to visit said experiment station and make report thereon.

(Senator Hill in the chair.)

The resolution was adopted.

Senator Willacy moved to reconsider the vote by which the resolution was passed and lay that motion on the table.

The motion to table prevailed.

(President Pro Tem. Davidson of DeWitt in the chair.)

#### SIMPLE RESOLUTION.

Senator Mills offered the following resolution:

Whereas, As there are many dukes, lords and counts touring the United States seeking matrimonial alliances with our most accomplished and richest marriageable young ladies, and being desirous of protecting them from being deceived and duped; therefore, be it

Resolved, That the Committee on Federal Relations be requested to bring in

a bill providing for the taxation, branding and licensing of foreign dukes, lords and counts, both real and genuine, bogus and fraudulent, found running at large in the State of Texas, and providing severe penalties for violations of said law, to the end that the young women of Texas may be protected against engaging in speculations of such risky and dangerous character as investing in such enterprise.

The resolution was read second time, and referred to Committee on Federal Relations.

#### HOUSE BILL NO. 16 ON THIRD READING.

The Chair laid before the Senate, on its third reading,

House bill No. 16, A bill to be entitled "An Act to fix the time for holding court in the counties of the Twenty-second Judicial District, and the terms of court therein, and to repeal all laws in conflict therewith."

The bill was read third time, and passed.

#### PENDING BUSINESS—SENATE BILL NO. 12—SUSPENDED.

The Chair laid before the Senate, on its third reading,

Senate bill No. 12, A bill to be entitled "An Act to amend Article 605, Title XV, Chapter 3, of the Penal Code of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, 1895, relating to assaults to commit some other offense, by fixing the punishment for assault with intent to commit murder, and repealing all laws in conflict therewith."

On motion of Senator McKamy, pending business (Senate bill No. 12) was suspended, and the Senate took up, out of its order, Senate bill No. 113.

The Chair laid before the Senate, on its second reading,

Senate bill No. 113, A bill to be entitled "An Act to amend Article 1223, Revised Statutes of the State of Texas, providing the means for service of process upon foreign corporations."

Senator Mills offered the following amendment:

"Amend Section 1, line 18, by adding after the word 'association' the words 'and non-resident persons or partnership.'"

The amendment was adopted.

Senator McKamy asked that further consideration of the bill be postponed for the present.

(Senator Stafford in the chair.)

#### PENDING BUSINESS SUSPENDED.

On motion of Senator Sebastian, pending business (Senate bill No. 12) was suspended, and the Senate took up, out of its order, Senate Concurrent Resolution No. 8.

The Chair laid before the Senate

Senate Concurrent Resolution No. 8:

Be it resolved by the Senate, the House of Representatives concurring, That James L. Shephard, judge of the Thirty-second Judicial District of Texas, be and he is hereby granted leave to absent himself from the State from January 10 to March 10, 1903, also for the summer months of June, July and August, 1903.

The resolution was adopted.

#### HOUSE CONCURRENT RESOLUTION NO. 10.

On motion of Senator Willacy, pending business (Senate bill No. 92) was suspended, and the Senate took up, out of its order, House Concurrent Resolution No. 10.

The Chair laid before the Senate

House Concurrent Resolution No. 10:

Whereas, The national government at Washington has annually made appropriations for continuing the work at Aransas Pass, on the coast of Texas, for the purpose of deepening the water in the channel of said pass; and

Whereas, There now exists an available fund for such purpose of two hundred and fifty thousand dollars (\$250,000), the same lying idle, much to the detriment of the commerce of the State of Texas; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That we do hereby request and urge upon our Representatives in the House and Senate of the United States Congress at Washington, the urgent necessity of the speedy application of the said fund in the prosecution of the work for which said fund was appropriated.

The resolution was adopted.

#### SENATE BILL NO. 12 ON THIRD READING.

The Chair laid before the Senate, on its third reading,

Senate bill No. 12, A bill to be entitled "An Act to amend Article 605, Title XV, Chapter 3, of the Penal Code of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, 1895, relating to assaults to commit some other offense, by fixing the punishment for assault with intent to commit murder, and repealing all laws in conflict therewith."

The bill was read third time, and passed by the following vote:

## Yeas—24.

Beaty.	Hill.
Brachfield.	Lipscomb.
Cain.	Martin.
Faubion.	McKamy.
Faulk.	Mills.
Grinnan.	Morris.
Hale.	Paulus.
Hanger.	Perkins.
Harbison.	Savage.
Harper.	Sebastian.
Henderson.	Stafford.
Hicks.	Willacy.

## Absent.

Davidson of	Douglass.
DeWitt.	Faust.
Davidson of	Patteson.
Galveston.	Wilson.
Decker.	

Senator Beaty moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE CONCURRENT RESOLUTION  
NO. 8.

On motion of Senator Hicks, pending business was suspended, and the Senate took up, out of its order, House Concurrent Resolution No. 8.

The Chair laid before the Senate

House Concurrent Resolution No. 8, Providing for a joint committee to negotiate a purchase by the State of McArdle's battle painting, "The Battle of San Jacinto."

Whereas, The battle of San Jacinto, which occurred on the 21st of April, 1836, liberating Texas from the yoke of Mexican tyranny, is the most illustrious event in the history of Texas; and

Whereas, The noted artist, H. A. McArdle, whose great historical painting, "Lee at the Wilderness," was destroyed in the burning of the old capitol building in 1881, which was a total loss to the author, as well as an irreparable loss to the public, has spent nearly a score of years in gathering material and data in order to perpetuate on canvas the great victory at San Jacinto, and has devoted seven years to the execution of the work, and has completed said painting, which now, by permission of the Senate of the Twenty-seventh Legislature, hangs in the Senate chamber in the capitol building in the city of Austin; and

Whereas, A wise public policy demands that the State of Texas should possess and keep in an appropriate

place in the capitol building at Austin, a painting so valuable, not merely as a work of art, but as a treasury of Texas history not obtainable from books, and so well calculated to nurture and keep alive all the higher emotions of patriotism; and

Whereas, This great painting may pass into the hands of other parties, thereby putting it beyond the power of the State to possess it, which would be a great loss to this grand commonwealth; and

Whereas, The author is preparing and has been for a long time gathering material and data to engage in the production of another great painting as a companion piece to this one, viz., "The Fall of the Alamo," and the sale of the "San Jacinto Battle Painting" would contribute materially to a successful completion of the former; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That a joint committee of ten be created, consisting of five members of the House and five members of the Senate, said committee to be appointed by the respective presiding officers of each house, whose duty it shall be to confer with the owner of said painting as to its purchase by the State, and to report the result of such investigation to the House and Senate, and to make such recommendations as said committee may see fit, with a view to incorporating in the general appropriation bill to be passed by this Legislature an appropriation to purchase said painting, provided an understanding as to its purchase can be reached.

Pending discussion of the resolution,

Senator Harbison moved that the Senate adjourn until tomorrow morning at 10 o'clock, and

Accordingly the Senate, at 12:45 p. m., adjourned until 10 o'clock a. m. tomorrow.

## TWENTY-FOURTH DAY.

Senate Chamber,  
Austin, Texas, Thursday, Feb. 19, 1903.

Senate met pursuant to adjournment.

President Pro Tem. Davidson of DeWitt in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Faulk.
Brachfield.	Faust.
Cain.	Grinnan.
Davidson of	Hale.
DeWitt.	Hanger.
Decker.	Harbison.
Douglass.	Harper.
Faubion.	Henderson.